

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
October 10, 2017

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, October 10, 2017, in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas.

Agenda Item 1. Full Board Call to Order, Roll Call.

Jessica Quillivan, DVM, Board President, called the meeting to order at 10:07 a.m. Board Members present were: Carlos Chacon, Lynn Criner, DVM, Secretary; Samantha Mixon, DVM; Keith Pardue, Vice-President; Randy Skaggs, DVM; and Michael White, DVM. Board Staff present were: Michelle Griffin, Interim General Counsel; Matthew West, Director of Enforcement; Elaine Crease, Legal Administrative Assistant; and Teresa Long, Accountant.

Agenda Item 2. Consideration and Approval of the May 8, 2017 Minutes.

Mr. Pardue moved, Dr. Criner seconded and the motion passed unanimously to approve the May 8, 2017 minutes.

Agenda Item 3. Introduction of New Investigators.

Mr. West gave background information on the two new regional investigators hired, Michael Campos, who will be working in the Houston region, and Maricela Santibanez, who will be working in the Dallas-Fort Worth region.

Agenda Item 4. Executive Director's Report.

a. Enforcement Department Report. Dr. Quillivan asked if there were any questions from the Board Members regarding the Enforcement Department statistical reports previously sent to them. There were none.

b. Legal Department Report. Ms. Griffin discussed the number of Board Orders offered, cases pending informal conferences and cases pending filing at the State Office of Administrative Hearings, and litigation filed against the agency in various courts. She also thanked the members of the Enforcement Committee, Dr. Quillivan, Dr. Carpenter, and Mr. Pardue for spending their own money to come to Austin several times over the summer for Informal Conferences, in order to help reduce the backlog of cases.

c. Finance Department Report. Ms. Long discussed the budget and revenue reports, noting that the books for Fiscal Year 2017 were now closed, and that the Annual Financial Report (AFR) has been distributed to the Governor's Office and other governmental agencies.

d. Licensing Department Report. Dr. Quillivan asked if there were any questions from the Board Members regarding the Licensing Department statistical reports previously sent to them. There were none.

e. Operations Department Report.

1. **Customer Outreach.** Dr. Quillivan reported that Mr. West has taken over maintaining the agency website and Facebook page; and that Ms. Crease is continuing the email blasts.

2. **Human Resources.** No items to report.

3. **IT.** No items to report.

Agenda Item 5. Consideration and approval of Agreed Orders.

Dr. Quillivan moved, Mr. Pardue seconded and the motion passed unanimously to go into Executive Session at 10:17 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation, including administrative proceedings, or settlement offers and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; OCCUPATIONS CODE §801.407(d) and Attorney General's Opinion No. H-484. Open session resumed at 11:14 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, Dr. Mixon moved that the Board Orders listed on Agenda Item #5 be approved as written. Mr. Chacon seconded, and the motion passed. Dr. White voted against the motion. The Board Orders approved are as follows, with recusals noted.

<u>Docket #</u>	<u>Name</u>	<u>Case #</u>
2017-071	Stephen Harris, DVM	CP16-454
Recusals: Quillivan, Pardue		
2017-074	Edward Mapes, DVM	CP16-406
Recusals: Quillivan, Pardue		
2017-075	Mitzi Pyle, LVT	CP16-248
Recusals: Quillivan, Pardue		

Docket #	Name	Case #
2017-096	Eduardo Jimenez, DVM	CP17-009
	Recusals: Quillivan, Pardue	
2017-098	Craig Verwers, DVM	CP16-153
	Recusals: Quillivan	
2017-103	Hillary Hellstern, DVM	CP16-427
	Recusals: Quillivan, Pardue	
2017-104	Diarra Blue, DVM	CP16-465
	Recusals: Quillivan, White	
2017-106	K.C. Ferrazzano, DVM	CP16-422
	Recusals: Quillivan, Pardue	
2017-138	Mark Fuller, DVM	CP16-438
	Recusals: Quillivan, Pardue	
2017-145	Deborah Schaffer, DVM	CP16-387
	Recusals: Quillivan, Pardue	
2017-147	Edward Mapes, DVM	CP17-122
	Recusals: Quillivan, Pardue	
2016-070	Diarra Blue, DVM	CP16-092
	Recusals: Quillivan, White	
2016-071	Aubrey Ross, DVM	CP16-093
	Recusals: Quillivan, White	
2016-162	John Falgout, DVM	CP16-173
	Recusals: Quillivan	
2017-007	John Wood, DVM	CP16-346
	Recusals: Quillivan, Pardue	
2017-035	Jonathan Kendall, DVM	CP16-203
	Recusals: Quillivan, Pardue	
2017-114	Wendy Dearixon, DVM	CP16-391
	Recusals: Quillivan, Pardue	
2017-175	William Hester, DVM	CP17-156
2017-182	Dean Layh, DVM	CP17-152
2017-192	Scott Grant, DVM	CP16-336
2017-233	Zachary Smith, DVM	CP17-277
2017-021	Rachel Valot	
2017-163	Todd Glover, DVM	CP17-058
2017-165	Joel Bennett, DVM	CP17-075
2017-166	Lloyd Jarmon, DVM	CP17-084
2017-167	Shannon Espy, DVM	CP17-075
2017-169	Priscilla Canales, LVT	CP17-092
2017-170	Carrie Givens, DVM	CP17-170

<u>Docket #</u>	<u>Name</u>	<u>Case #</u>
2017-172	Jeb Skiles, DVM	CP17-104
2017-177	Candace Clark, LVT	CP17-177
2017-178	Mary Tatum, DVM	CP17-107
2017-179	Wylie Skelton, DVM	CP17-102
2017-180	Emilio Davila, LVT	CP17-089
2017-185	Michelle Robnett, LVT	CP17-096
2017-187	Samantha Hulbig, LVT	CP17-076
2017-188	Robert Ballinger, DVM	CP17-065
2017-189	Toni Cloninger, DVM	CP17-061
2017-202	Miguel Navarro Martinez, DVM	CP17-088
2016-187	Kevin Kruse, DVM	CP16-398
Recusals: Quillivan		
2017-070	Elton Haydel, DVM	CP16-314
Recusals: Quillivan, Pardue		
2017-085	Aubrey Watkins, DVM	CP16-434
Recusals: Quillivan, Pardue		
2017-130	Sable Murry, DVM	CP17-071
2017-137;	Timothy Ashley, DVM	CP16-458;
2017-141		CP16-457
Recusals: Quillivan, Pardue		
2017-139	Kimberly Tunmire, DVM	CP16-431
Recusals: Quillivan, Pardue		
2017-190	Brooke Knowlton, DVM	CP16-469
2017-232	Sam Scarmardo, DVM	CP17-227
2017-009	Denise Kobuszewski, DVM	

Agenda Item 6. Consideration and approval of Cease and Desist Orders.

Dr. Skaggs moved that the Cease and Desist Orders on the agenda be approved as written. Mr. Chacon seconded, and the motion passed unanimously. The Cease and Desist Orders approved are as follows:

<u>Case #/Docket #</u>	<u>Name</u>	<u>City</u>
CP17-026/CD2017-060	Nathan Strahan	Springtown, TX
CP16-429/CD2017-061	Spencer LaFlure	Athol, NY
CP16-450/CD2017-064	Barbi Straub	Gatesville, TX

Agenda Item 7. Consideration and approval of cases dismissed at Staff Conference.

Dr. White was recused from voting on case CP17-033. Dr. Skaggs moved that the cases listed on the agenda under Item #7 be dismissed except CP16-354, CP17-067, and CP17-097, which would be referred back to the Enforcement Department. Mr. Chacon seconded, and the motion passed. The following cases were dismissed: CP16-354, CP16-362, CP16-382, CP16-414, CP16-423, CP16-437, CP16-448, CP16-479, CP17-033, CP17-034, CP17-063, CP17-067, CP17-068, CP17-069, CP17-085, CP17-097, CP17-126, CP17-140, CP17-144, CP17-147, CP17-172, CP17-173, CP17-175, CP17-176, CP17-181, CP17-182, CP17-185, CP17-187, CP17-197, CP17-201, CP17-213, CP17-215, CP17-222, CP17-229, CP17-230, CP17-232, CP17-237, CP17-244, CP17-248, CP17-293, CP17-294, CP17-295, and CP17-296.

Agenda Item 8. Discussion, recommendation and possible action regarding Board Rules.

Agenda Item 8a. Discussion, recommendation and possible action on rules to be adopted:

Ms. Griffin presented proposed rule changes that were ready to be adopted after the proposals had been published in the Texas Register for public comment on June 16, 2017. The changes consisted of amendments to §573.65 regarding Proof of Acceptable Continuing Education, §575.4 regarding Conduct and Decorum, §575.29 regarding Informal Conferences, §575.35 regarding Temporary License Suspension Proceedings, and §575.62 regarding Negotiated Rulemaking; repeal of existing rule §577.5 regarding Advisory Committees, and a new rule §577.5 regarding Committees of the Board, which will replace the rule being repealed. These rule changes were presented with staff-recommended non-substantive changes to the proposed versions. After discussion, **Mr. Chacon moved to file the adopted rule changes with staff-recommended non-substantive changes to §§573.65, 575.4, 575.29, 575.35, 575.62, and 577.5 and preambles with the *Texas Register*, in accordance with the Administrative Procedure Act. Dr. Skaggs seconded the motion, and it passed unanimously.**

Agenda Item 8b. Discussion, recommendation and possible action on rules to be proposed.

Ms. Griffin presented a proposed amendment to §577.15 regarding Fees. This proposed amendment would put into effect a fee increase to become effective on January 1, 2018. After discussion, **Dr. Skaggs moved that the proposed preamble and amendment to §577.15 be published in the *Texas Register* for public comment in accordance with the Administrative Procedure Act. Mr. Chacon seconded and the motion passed unanimously.**

Agenda Item 9. Discussion, recommendation and possible action regarding future board meeting dates. After discussion, it was agreed that the next regular board meeting date would be on the morning of Tuesday, December 5, 2017. On the abbreviated agenda for December will be the adoption of the fee rule change, the appointment of Board Committees and Board Officers, and any items regarding the Sunset quarterly report.

There will also be a Board Meeting scheduled for Tuesday, January 16, 2018. In addition to the standard agenda items, an item will be added regarding clarification of the circumstances under which certain criminal activities and convictions must be reported to the Board. This will involve Rule 573.50, Reporting of Criminal Activity, and Rule 575.50, Criminal Convictions.

Agenda Item 10. Discussion, recommendation and possible action regarding the appointment, employment, and duties of the Executive Director. Dr. Criner moved to go into Executive Session at 1:50 p.m. to discuss matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.074. Dr. Quillivan seconded and the motion passed unanimously. Open session resumed at 3:22 p.m. It was announced that no action was taken. A certified agenda was made. **Mr. Chacon moved that the Board make an offer of employment as Executive Director at the highest possible pay to candidate John Helenberg. Dr. Criner seconded the motion, and it passed unanimously.**

Agenda Item 11. Citizens Comments.

Janie Carpenter, former TBVME Board Member, presented comments on behalf of herself. She stated that she had devoted twelve years to the Board and the agency, and that she felt she had helped and improved processes, in particular, working with Cindy and Gregg Munson regarding the complaints process. She further stated that, as a Board, they had done the best that they could, considering that they were working under budget cuts, hiring freezes, and the Sunset process. She stated that she felt that while the Sunset process did find some problems, that these were magnified

by political considerations. She stated that she never quit the board, and appreciates the staff and how hard they work.

Judy Santerre presented comments on behalf of herself related to a complaint she had filed against a licensee.

Heather Kutuba presented comments on behalf of herself related to a complaint she had filed against a licensee.

Jodi Ware submitted written comments on behalf of herself related to a complaint she had filed against a licensee.

There being no further business, the meeting adjourned at 3:32 p.m.

Agenda Items for Future Board Meetings

December 5, 2017 Board Meeting

1. Adoption of the proposed fee rule increase (Rule 577.15)
2. Appointment of Board Committees and Board Officers
3. Any items regarding the Sunset Quarterly Report

January 16, 2017 Board Meeting

1. Discussion of rule changes that would clarify the circumstances under which certain criminal activities and convictions must be reported to the Board. This will involve Rule 573.50, Reporting of Criminal Activity, and Rule 575.50, Criminal Convictions.